

PETITION FOR WRIT OF
* HABEAS CORPUS PETITION *
IN THE UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF ALABAMA

2005 JUN 30 A 9:50

AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA

JAMES L. BOYINGTON #235843
Plaintiff(s)

v.

WARDEN J.C. AYLES, ET AL.
Defendant(s)

CA: 2:05CW620-T

I, JAMES L. BOYINGTON, being first duly sworn, depose and say that I am the plaintiff in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief. I recognize that I may be prosecuted for any false statement which I may make herein.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes () No (*)
 - A. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer. N/A
 - B. If the answer is NO, state the date of last employment and the amount of salary or wages per month, and give the name and address of your employer. 2003 / SELF EMPLOYED / APPROXIMATELY 800⁰⁰ PER MONTH
2. Have you received within the past twelve months any money from any of the following sources?
 - A. Business, profession, or form of self-employment? Yes () No (*)
 - B. Rent payments, interest, or dividends? Yes () No (*)
 - C. Pensions, annuities, or life insurance payments? Yes () No (*)
 - D. Gifts or inheritances? Yes () No (*)
 - E. Any other sources? Yes () No (*)

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past twelve months. N/A

3. Do you own cash, or do you have money in a checking or savings account? [Include any funds in prison accounts]. Yes () No (X)

If the answer is YES, state the total value of the items owned. N/A

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property [excluding ordinary household furnishings and clothing]? Yes () No (X)

If the answer is YES, describe the property and state its approximate value. N/A

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. TWO DEPENDANTS IN THE EQUIVALENCE OF MONTHLY CHECK SUPPORT / PENDING RELEASE

James A. Boyington
Signature of Affiant
A.E.S. # 235843

STATE OF ALABAMA)
COUNTY OF Barbour)

Before me, a Notary Public in and for said County, in said State, personally appeared James Boyington, whose name is signed to the foregoing complaint, who being first duly sworn, deposes on oath and says:

That the information set forth in the foregoing affidavit is true and correct to the best of his knowledge and belief.

James A. Boyington
Signature of Affiant

Sworn to and subscribed before me on this 25th day of June, 2005.

Carolyn R. Abercrombie
NOTARY PUBLIC

Barbour County, Alabama
My Commission Expires:

My Commission Expires August 18, 2007

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on JUNE 22ND, 2005
(date)

James L. Boyington
Signature of Affiant
A.I.S. # 235843

CERTIFICATE

I hereby certify that the plaintiff herein has the sum of \$ 13 on account to his credit at the Ventress institution where he is confined. I further certify that plaintiff likewise has the following securities to his credit according to the records of said institution: _____

N/A

I further certify that he has had the average sum on account at this institution as of the first day of each month of the immediate preceding months [not to exceed six (6) months].

A.	\$	_____	on the first day of	<u>JANUARY, 2005</u>
B.	\$	_____	on the first day of	<u>FEBRUARY, 2005</u>
C.	\$	_____	on the first day of	<u>MARCH, 2005</u>
D.	\$	<u>See</u>	on the first day of	<u>APRIL, 2005</u>
E.	\$	<u>attached</u>	on the first day of	<u>MAY, 2005</u>
F.	\$	<u>attached</u>	on the first day of	<u>JUNE, 2005</u>

computed monthly balances attached

D. Ross
Authorized Officer of Institution

Date: 6/24/05

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
VENTRESS CORR FAC

AIS #: 235843

NAME: BOYINGTON, JAMES L

AS OF: 06/23/2005

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
JUN	7	\$0.00	\$0.00
JUL	31	\$0.00	\$0.00
AUG	31	\$14.04	\$100.00
SEP	30	\$3.96	\$0.00
OCT	31	\$0.18	\$0.00
NOV	30	\$0.18	\$0.00
DEC	31	\$2.11	\$30.00
JAN	31	\$22.08	\$0.00
FEB	28	\$0.00	\$0.00
MAR	31	\$0.73	\$17.88
APR	30	\$0.13	\$0.00
MAY	31	\$0.13	\$0.00
JUN	23	\$0.13	\$0.00

Form C-10 Rev 6/88

IN THE 11th District COURT OF MONTGOMERY COUNTY
Plaintiff/State v. Defendant 2005 JUN 30 A 9:20

IN THE MATTER OF:

TYPE OF PROCEEDING:

CHARGE:

- ☐ CIVIL CASE--I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE (such as paternity, support, termination of parental rights) -- I request an attorney be appointed for me.
- ☒ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.

RECEIVED
DEBRA R. HANCOCK, CLK
U.S. DISTRICT COURT
MONTGOMERY, ALA

AFFIDAVIT

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- A. Do you have a job or work for yourself? Yes ☒ No
- Employer's name and address _____
- How much money do you take home each week? + \$ 0
- B. If unemployed, give month and year of last employment and amount earned per month July, 2003 \$ 800.00
- C. Does your husband or wife have a job? Yes ☒ No
- Employer's name and address N/A DIVORCED
- How much money does he/she take home each week? + \$ 0
- D. Do you receive money or benefits from any other source? Yes ☒ No
- (Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)
- How much do you receive each month? + \$ 0

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- A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand? Yes ☒ No
- Where? _____ How much? + \$ 0
- B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.) Yes ☒ No
- What? NONE OF THE ABOVE
- Total Value + \$ 0

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- A. Are you: Single Married Widowed ☒ Divorced
- Separated?
- B. Do you have any dependents? ☒ Yes No
- Who and what relationship? DAUGHTERS: JACI NICOLE BOVENGTON
- BARBERA JEAN NICOLE GARLAND
- * CHILD SUPPORT IN ARREARAGES *

What does it cost you to live each month?

\$ 0D
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Creditor

Total Debt

Monthly Payment

Loans _____
 Charge Accounts _____
 House or rent payments _____
 Alimony _____
 Support _____
 Car payment _____
 Groceries _____
 Utilities _____

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed-counsel.

Sworn to and subscribed before me this

28TH day of JUNE, 2005

Carolyn Abernethy
 Notary My Commission Expires August 18, 2007

Affiant Signature

James I. Boyington

ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED☐ DENIED**APPOINTMENT OF ATTORNEY:**

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT _____

_____ Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this _____ day of _____, 19 _____

Judge